

Town of Needham

Personnel Policy Personnel Administration #426	Page: 1 of 8	Supersedes: New
Violence Prevention and Preparedness	Date: 3/19/03	Approved:
		Town Administrator

1. PURPOSE AND SCOPE

The purpose of this policy is to establish a Town standard that will encourage and foster a work environment that is characterized by respect and healthy conflict resolution; to reduce the potential for violence in and around the workplace; to mitigate the negative consequences for employees who experience or encounter violence in their work lives; and to ensure that appropriate resources are available to employees who may be victims of workplace violence, or who may be perpetrators of workplace violence.

2. APPLICABILITY

All General Government employees are subject to the provisions of this policy. Members of the Police Department may be subject to additional policies, rules or regulations promulgated by the Chief of Police.

3. POLICY

3.1 It is the policy of the Town of Needham to promote a safe environment for its employees. The Town is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

3.2 Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated. All reported incidents will be taken seriously, and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to criminal prosecution; employees may also be subject to disciplinary action, up to and including termination from town service.

3.3 The Town needs the cooperation of all employees to implement this policy effectively and to maintain a safe working environment. Employees should not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. Employees who observe or experience such behavior by anyone on Town property should report the incident immediately to a supervisor or department manager, whether or not the alleged offender is a Town employee. Supervisors and department managers who receive such reports should contact the Town Administrator or Assistant Town Administrator/Personnel Director immediately for response. Threats or assaults that are of an

emergency nature and require immediate attention should first be reported to the Police Department via 911.

3.4 The Town of Needham is committed to providing a safe environment for working and conducting business, in so far as is reasonably possible given available resources. The Town will not tolerate acts of violence committed by or against Town employees or members of the public on Town property, or during the performance of Town business, regardless of location.

3.5 For the purposes of this policy, the word violence shall mean an act or behavior that:

- is physically injurious or abusive;
- a reasonable person would perceive as obsessively directed (e.g. an intensely focused grudge, grievance, or romantic interest in another person) and reasonably likely to result in harm or threats of harm to persons or property;
- consists of a communicated or reasonably perceived threat to harm another individual or in any other way endanger the safety of the individual;
- would be interpreted by a reasonable person as carrying potential for physical and/or psychological harm to the individual;
- is a behavior or action that a reasonable person would perceive as menacing;
- involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
- consists of a communicated or reasonably perceived threat to destroy property.

3.6 Violent actions on Town property or facilities, or while on Town business, will not be tolerated or ignored. Any unlawful violent or non-violent actions committed by employees, or members of the public on Town property, or while using Town facilities, will be subject to prosecution, as appropriate. The Town intends to use all reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public.

3.7 Possession or use by employees of firearms or other items which may be considered dangerous and/or are designed to cause death or serious bodily injury are prohibited on Town property, in Town vehicles, or in any personal vehicle which is used for Town business, or during business hours, except for those employees who are engaged in official military or law enforcement activities. Possession or use of a firearm in such circumstances is prohibited whether or not the employee is licensed to carry a firearm, or has a Firearm Identification Card (FID). Use of other objects by employees, such as, but not limited to, pocketknives, razors, hammers, etc, in a dangerous or potentially dangerous manner is also prohibited.

4. PROCEDURES

All reports of violence will be evaluated immediately, and appropriate action will be taken, where possible, in order to help protect the employee(s) from further violence. Appropriate disciplinary action will be taken when it is determined that Town of Needham employees have committed threats or acts of violence in violation of this policy.

4.1 Administrative Insofar as is reasonably possible, the Town Administrator/designee shall be responsible for: responding promptly and appropriately to any act of violence in the workplace; ensuring accountability among employees for acts of violence committed in the workplace; ensuring the effective investigation of violence occurring in the workplace; imposing or recommending disciplinary action for employees who are perpetrators of threats or acts of violence when the behavior involves the use of Town work time or property; convening, in cooperation with the police department, an Incident Response Team (see sections 6.1.3 and 6.1.4 for the composition of this team), to coordinate the Town's response to serious incidents; communicating this policy and program to department managers, supervisors, employees, boards and committees; providing referral, guidance, and support to employees who are victims of workplace violence; providing managers and supervisors with guidance, direction and support in matters of intervention and response to workplace violence issues; and providing training for managers and supervisors relating to workplace violence issues.

4.2 Employee Assistance Program The Town's Employee Assistance Program (EAP) will respond to confidential calls of witnessed reports of threats, threatening behavior or acts of violence in the workplace; provide emotional support, short-term counseling; assist victims with developing a personal safety plan in the event of violence at work; provide training for department managers and supervisors; and refer victims or perpetrators of workplace violence to available resources.

4.3 Department Managers and Supervisors Department managers and supervisors are responsible for: receiving reports of incidents of workplace violence; assessing situations; making judgments as to appropriate responses; responding to reports of workplace violence; and initiating the investigation process.

5. THREAT MANAGEMENT PLAN

For the purposes of this policy and program, the Town's Safety Manual and existing evacuation plan for fires, bomb scares, or other emergency events will be considered the Threat Management Plan/Evacuation Plan. The police or fire departments will coordinate response to such emergency events, as appropriate.

6. INCIDENT RESPONSE PLAN

6.1 When the Incident Occurs

- 6.1.1 If a department manager or employee believes that an individual's physical well-being is threatened, and the situation is of an emergency nature, he or she should call 911.
- 6.1.2 If the incident does not rise to the level of emergency, the employee should contact his or her immediate supervisor/department manager. If the supervisor/department manager believes that a crime may have been committed, he or she should contact the police department.

- 6.1.3 In instances that involve emergency response or potential criminal activity, the Town Administrator/designee will contact the police department for assessment, and, if necessary, investigation. The designee of the chief of police will coordinate investigation and emergency response. The Town Administrator will convene the Incident Response Team, consisting of the Town Administrator and/or Assistant Town Administrator/Personnel Director, the designee of the Chief of Police, the department manager, the supervisor (if applicable), and the EAP Provider to develop and oversee the Town's administrative response to the incident.
- 6.1.4 In instances that do not involve emergency response, the Town Administrator/designee will coordinate an internal administrative investigation, or refer the matter to the Police Department for investigation. The Town Administrator may convene the Incident Response Team, consisting of the Department manager, the supervisor, if applicable, the Town Administrator and/or Assistant Town Administrator/Personnel Director, and the EAP Provider, to develop the Town's response to the incident.

6.2 Investigation

Workplace incidents involving emergency and/or criminal activity will be referred to the police department for investigation. An administrative investigation may be conducted by the Town Administrator/designee concurrent with any criminal investigation, in cooperation with the police department. The Town Administrator/designee will investigate workplace incidents that do not involve an emergency situation and/or criminal activity. The Town Administrator/designee will conduct administrative investigations in a confidential manner, including the following procedures.

- 6.2.1 **Victim Interview** Interviews with an alleged victim will be conducted first by the police department in any incident involving emergency and/or criminal activity. As part of an administrative investigation, the Town Administrator/designee will conduct an interview with the alleged victim in a sensitive, supportive and non-judgmental manner. The goal of the interview is to develop a true and accurate account of the incident. The investigator will:
- obtain the date and time of the incident;
 - obtain answers to the questions: who, what, when, and where;
 - determine the background of the situation, including the relationship between the parties involved prior to the incident;
 - obtain the name of anyone else who saw or heard the incident, any person who the alleged victim has talked to about the incident, and any person who the alleged victim believes has also had encounters with the alleged offender;
 - find out what other involved persons (if any) did in response to the incident;
 - find out whether the other involved persons (if any) have documented the incident, or any other violent encounters with the alleged offender;
 - reassure the alleged victim or other involved person that the Town is actively responding to the incident, and that any retaliation will not be tolerated; and

- advise the alleged victim or other involved persons of the assistance available from the Employee Assistance Program.

6.2.2 Interview with an Employee who is the Alleged Offender Interviews with an alleged offender will be conducted first by the police department in any incident involving emergency and/or criminal activity. As part of an administrative investigation, the Town Administrator/designee will conduct an interview with the alleged offender. The interview will be conducted with sensitivity and in a non-judgmental manner. The investigator must keep in mind that a person is innocent until proven at fault. Unreasonable assumptions of guilt prior to an investigation or before an investigation has been completed can impede and interfere with a fair and appropriate analysis of the events. (In accordance with any collective bargaining agreement that may apply to the alleged offender, a union representative may attend the investigation meeting.) The investigator will:

- present the incident or incidents described by the alleged victim;
- allow the alleged offender to present his or her side of the story;
- use questions such as "describe the incident that occurred between you and the alleged victim," and "describe your relationship with the alleged victim and other interactions that you have had;"
- listen attentively and open-mindedly as the alleged offender speaks;
- advise the alleged offender of the serious consequences of any form of retaliation against the alleged victim or any action that might be interpreted as retaliation; and
- advise the alleged offender about the assistance available from the Employee Assistance Program.

6.2.3 Interviews with Observers or Others in the Workplace Interviews with observers or others in the workplace will be conducted first by the police department in any incident involving emergency and/or possible criminal activity. As part of an administrative investigation, the Town Administrator/designee will conduct an interview with observers or others in the workplace using questions such as "What type of interaction did you observe between the alleged victim and the alleged offender?" and "Are there other people who might be able to comment or who observed the same incident?" The Town Administrator will also advise any other persons who may have been affected by the incident of the assistance available from the EAP.

6.2.4 Follow-up Upon completion of the fact finding portion of the administrative investigation, the Town Administrator/designee may convene the Incident Response Team. The Town Administrator/designee shall be responsible for:

- individual follow-up meetings with both the alleged victim and the alleged offender advising them of the findings of the investigator;
- imposition or recommendation of any disciplinary action;
- referral of the incident to the police department for investigation in the event of discovery of potential criminal activity; and

- evaluation of internal security measures.

6.3 Post Incident

6.3.1 EAP After a violent incident, the EAP will offer counseling services to employees and their families, which may include, but not be limited to:

- providing a debriefing 24 to 72 hours after a serious incident of violence to include all affected employees to explain what happened and what steps are being taken by the Town to support affected employees;
- providing a group debriefing after a serious incident of violence for immediate co-workers in methods of communicating with the victim/co-worker who is re-entering the workplace after an absence; and
- providing on-going follow-up counseling, as needed.

6.3.2 Discipline Any employee who is found to be the initiator of criminal conduct or violence in the workplace shall be subject to disciplinary action, up to and including termination from Town service. Any disciplinary action will be taken in accordance with the relevant collective bargaining agreement, where applicable.

7. Intervention

7.1 At-risk employees. Some employees are known to be at risk for violence because of the nature of their jobs. Other employees can be at risk because they are subjected to violence, threats or harassment from a current or former spouse or partner or other non-employee.

7.2 Reports of violence. Individuals who are victims of workplace violence are encouraged to contact their department manager and/or the Town Administrator/designee for response, action, and guidance. Individuals who are victims of domestic violence are encouraged to contact their local police department or domestic abuse hotline where the incident occurred for referral, support, and assistance.

7.3 Referrals Managers and supervisors are encouraged to refer employees with attendance, behavior, performance or discipline problems to the Assistant Town Administrator/Personnel Director and/or to the Employee Assistance Program for referral, support and assistance, and to refer employees who request assistance with domestic violence concerns to EAP for referral, support, and assistance. The Assistant Town Administrator/Personnel Director and EAP will work with at-risk employees and their department heads to develop safety plans that address the specific risks the employees face while at work.

ATTACHMENT A
Notice to Employees About Workplace and Domestic Violence

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Available Resources

The Town's Employee Assistance Program provides assessment, short-term counseling, and referral for all employees. Victims of workplace or domestic violence are encouraged to contact the EAP at 508-578-3720. The EAP is also available by e-mail at josephlaliberte@altavista.net. Services provided by the EAP are confidential unless you agree to allow the EAP provider to notify the Town. Exceptions may apply in cases of workplace violence issues where the Town has conducted an investigation.

More Information

Please ask your department manager or supervisor if you need more information or would like a copy of the Town's Violence Prevention and Preparedness Policy.